

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RYAN ALLEN McDEAVITT,

Petitioner,

v.

WASHINGTON STATE PENITENTIARY,

Respondent.

Case No. C14-1895-RSM

ORDER DISMISSING ACTION

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, objections thereto filed by petitioner, and the remaining record, hereby finds and ORDERS as follows:

(1) Petitioner's objections confirm that he has failed to properly exhaust state court remedies in order to proceed with this federal habeas action;

(2) The Court adopts the Report and Recommendation;

(2) Petitioner's petition for writ of habeas corpus (Dkt. 1) and this action are DISMISSED without prejudice;

(3) Petitioner's application to proceed *in forma pauperis* (Dkt. 2) is STRICKEN as moot;

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1 (4) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
2 United States District Courts, a certificate of appealability is DENIED; and

3 (5) The Clerk is directed to send copies of this Order to petitioner and to the  
4 Honorable Mary Alice Theiler.

5 DATED this 20<sup>th</sup> day of March 2015.

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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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